THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.14999 of 2007

DATED: 16.07.2007

Between:

Bonthu Kasiyya and another

.. Petitioners

And

The Revenue Divisional Officer-cum-
Land Acquisition Officer, Kakinada
and another.

.. Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.14999 of 2007

ORDER:

This writ petition is filed seeking directions by way of Mandamus to withdraw the action of the respondents in taking steps to dispossess the petitioners from their lands admeasuring Ac.1-00 covered by Sy.No.41/4 A and 0.35 cents covered by Sy.No.41/4B situated at Aminabad Village, U. Kothapalli Mandal, East Godavari District.

The lands of the petitioners referred above along with other lands were notified by the Government for acquisition by issuing notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the L.A.Act') for the purpose of providing house sites to the weaker sections under Indiramma Scheme, and the respondents are conducting an enquiry as contemplated under Section 5-A of the L.A.Act. It is the case of the petitioners that they have filed their objections consequent to the notice issued under Section 5-A of the L.A.Act. Though specific date of submission of the objections by the petitioners is not mentioned in the affidavit filed in support of the writ petition, but however, the learned counsel for the petitioners submits that the objections of the petitioners were filed on 05.07.2007.

It is the grievance of the petitioners that though the enquiry initiated by the respondents, under Section 5-A of the L.A.Act, is not yet concluded by considering their objections, but however, the respondents are taking steps to damage the standing crop in their

notified lands by earmarking the same for the purpose of constructing houses in it.

The petitioners have filed a copy of the notice, dated 14.06.2007, issued by the Revenue Divisional Officer-cum-Land Acquisition Officer, Kakinada, the first respondent herein. A perusal of the said notice indicates that the date of enquiry is posted to today i.e., on 16.07.2001 at 11.00 AM. When the enquiry is being conducted under Section 5-A of the Act and objections are filed, before conclusion of the said enquiry and without taking further steps, no possession can be taken.

In that view of the matter, I dispose of the writ petition directing the respondents not to dispossess the petitioners from their notified lands till the enquiry contemplated under Section 5-A of the L.A Act is concluded. However, it is made clear that it is open for the respondents to take further steps subject to outcome of the enquiry under Section 5-A of the L.A.Act, 1894.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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(R.SUBHASH REDDY,J)

Dt.16.07.2007
v v